

Message Text

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INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 JUSE-00 EB-07 SEC-01 COME-00 NEA-10
TRSE-00 IO-13 /089 W
-----181927Z 001701 /40
R 181857Z JUN 77
FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC 3862

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E.O. 11652: N/A
TAGS: OVIP, ETRD, EINV, CA
SUBJECT: ATTORNEY GENERAL BELL VISIT

1. JUNE 17 MEETINGS BETWEEN ATTORNEY GENERAL BELL AND HIS CANADIAN COUNTERPARTS WERE EXTREMELY CONCILIATORY AND CONSTRUCTIVE. RESULTED IN GENERAL AGREEMENT FOR OFFICIALS TO CONTINUE THE DIALOGUE WITH A VIEW TO DEVELOPING NEW CONSULTATION MECHANISM RE EARLY STAGES OF ANTITRUST PROCEEDINGS, SOMEWHAT COMPLEMENTING EXISTING ARRANGEMENTS RE PROSECUTION STAGES.

2. AT OUTSET OF MEETING, JUSTICE MINISTER BASFORD DESCRIBED ANTITRUST ENFORCEMENT AS A VERY SIGNIFICANT ISSUE IN U.S.-CANADIAN RELATIONS AND APPRECIATED THE USG'S PROMPT RESPONSE TO PRIME MINISTER TRUDEAU'S INITIATIVE TO DISCUSS QUESTION. EXTAFF MINISTER JAMIESON NOTED COINCIDENTAL TIMING OF MEETING IN RELATION TO CONGRESSIONAL PROCEEDINGS ON URANIUM CARTEL. HE STATED CANADA SHARES WITH U.S. OPPOSITION TO COMMERCIAL COMBINES AND STANDS READY TO COOPERATE, BUT NEW ARRANGEMENTS FOR THIS ARE NECESSARY. JAMIESON STRESSED IMPORTANCE OF U.S. RECOGNITION OF GOC INDUSTRIAL AND RESOURCE POLICY. FELT MULTINATIONAL
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CORPORATIONS ARE INHIBITED BY THREAT OF PROSECUTION IF THEY ACT WITHIN FRAMEWORK OF CANADIAN POLICY. CONSUMER AND CORPORATE AFFAIRS MINISTER ABBOTT LIKEWISE REFERRED TO SIMILARITY OF OBJECTIVES BETWEEN TWO GOVERNMENTS PLUS GOC INTEREST IN BETTER CONTROL OF MULTINATIONALS. SAID GOC WISHED NEW AGREEMENT ON ANTITRUST CONSULTATIONS AT INVESTIGATIVE STAGE. STATED GOC OBJECTIVES FOR MEETING

WERE (1) TO SENSITIZE U.S. TO CANADIAN CONCERNS AND (2) TO ESTABLISH MECHANISM TO STUDY INDIVIDUAL PROBLEMS AS THEY ARISE.

3. ATTORNEY GENERAL BELL IN RESPONSE NOTED HE WAS HERE AT THE DIRECTION OF THE PRESIDENT AND THAT IT WAS ADMINISTRATION POLICY TO ATTEMPT ACCOMMODATION WITH CANADA IN AN OPEN MANNER. REFERRED TO DRAFT PAPERS (STATE 138760) CIRCULATED PRIOR TO MEETING. HE TOOK COGNIZANCE OF THE CANADIAN PAPER AND ASKED FOR GOC VIEWS ABOUT U.S. PAPER WHICH HE FELT SHOULD BE DISCUSSED IN DETAIL TO SEE WHERE PROBLEMS WERE. DETAILED DISCUSSION OF THE U.S. PAPER FOLLOWED, WHEREUPON OFFICIALS UNDERTOOK TO PREPARE REVISION FORWARDED BY SEPTTEL.

4. AT END OF MEETING REVISION WAS ACCEPTED BY ATTORNEY GENERAL AND MINISTERS WHO AGREED CLARIFICATIONS WOULD BE NEEDED, ESPECIALLY CONCEPT OF "PARAMOUNT NATIONAL INTEREST" AND HOW NATIONAL POLICIES NEED BE ENUNCIATED TO GIVE THEM PROPER STATUS. TEAMS FROM TWO COUNTRIES WILL MEET FORTHWITH AND ATTEMPT TO CONCLUDE FINAL TEXT WITHIN SIXTY DAYS.

5. DURING AFTERNOON SESSION ATTORNEY GENERAL AND CANADIAN MINISTERS DISCUSSED OTHER QUESTIONS:

A. ATTORNEY GENERAL AGREED TO GIVE FURTHER CONSIDERATION TO GOC-PROPOSED TRANSBORDER LAW ENFORCEMENT AGREEMENT. SAID HE WOULD BE CONSULTING STATES THROUGH NATIONAL ASSOCIATION OF STATE ATTORNEYS-GENERAL WITH VIEW TO LIMITED OFFICIAL USE

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FINDING PRACTICAL WAYS TO DEAL WITH JURISDICTIONAL PROBLEM WITHOUT HINDERING LAW ENFORCEMENT.

B. RE ARAB BOYCOTT (ON WHICH USG AND GOC HAVE SAME POLICY OBJECTIVES) ATTORNEY GENERAL NOTED LEGISLATION NOT YET PASSED BUT THAT IMPLEMENTING REGULATIONS WOULD BE RESPONSIBILITY OF COMMERCE AND TREASURY, NOT JUSTICE. IT WAS AGREED CANADIAN VIEWS ON REGULATIONS WOULD BE PASSED TO THOSE DEPARTMENTS BY STATE. IT WAS ALSO NOTED THAT PROBLEMS MAY DEVELOP RE TREATMENT OF BANKS WHICH ARE CONSIDERED AS AGENTS IN CANADIAN LAW BUT AS PRINCIPALS UNDER PENDING U.S. LEGISLATION.

C. RE CORRUPT PRACTICES: JAMIESON NOTED ULTIMATE SOLUTION MUST LIE IN INTERNATIONAL UNDERSTANDINGS WHICH PROVIDE POLICING ARRANGEMENTS. CANADIANS HAVE RECENTLY ISSUED GUIDELINES TO ITS DIPLOMATIC MISSIONS ON COUNSELLING BUSINESSMEN RE LOCAL PRACTICES AND OFFERED SUPPLY COPY TO USG. STRESSED THAT NO CANADIAN LEGISLATION EXISTS ON

SUBJECT OF CORRUPT PRACTICES ABROAD. U.S. DEL NOTED OUR INTEREST IN DEVELOPING INTERNATIONAL TREATY ON SUBJECT AND JAMIESON PROMISED FULL SUPPORT OF RESOLUTIONS U.S. WOULD INITIATE AT FORTHCOMING JULY ECOSOC TO CALL FOR A DIPLOMATIC CONFERENCE. BASFORD, HOWEVER, NOTED IN CONTEXT OF U.S. LEGISLATION THAT GOC WOULD BE EMBARRASSED IF A U.S. FIRMBRIBED A CANADIAN OFFICIAL AND PROCEEDINGS WERE BROUGHT IN U.S. WITHOUT PRIOR NOTIFICATION TO CANADA. ATTORNEY GENERAL SUGGESTED ARRANGEMENTS FOR SUCH NOTIFICATION COULD BE TAKEN UP IN CONTEXT OF PREPARING MEMO OF COOPERATION ON ANTITRUST.

D. JAMIESON REFERRED BRIEFLY AND STRICTLY FOR THE RECORD

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TRSE-00 IO-13 /089 W

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TO PAST PROBLEMS ARISING FROM U.S. ENFORCEMENT OF CUBAN ASSETS CONTROL REGULATIONS. HE AGREED THAT LICENSING REQUIREMENTS HAD NOT CREATED ANY SIGNIFICANT PRACTICAL PROBLEMS RECENTLY AND SAID HE ASSUMED ISSUE WOULD FADE INTO BACKGROUND AS USG MOVES TOWARD NORMALIZATION OF RELATIONS WITH CUBA.

6. LOCKHEED ISSUE SURFACED WHEN U.S. DEL SAID IT UNDERSTOOD VERY RECENT REPORT PREPARED AT INITIATIVE OF NEW DIRECTORS AND MANAGERS OF FIRM AND NOW IN HANDS OF COURT MAY IDENTIFY FURTHER IMPROPER PRACTICES. AMBASSADOR WARREN AND SECRETARY JAMIESON POINTED OUT GOC COULD BE VERY EMBARRASSED IF REPORT IMPLICATES CANADIANS IN VIEW OF ASSURANCES GOC HAD RECEIVED IN MID-1976 BEFORE IT MADE LRPA DECISION. GOC WILL BE IN TOUCH WITH LOCKHEED

CORPORATION MANAGEMENT TO SEEK REASSURANCE AND MAY AS
APPROPRIATE PURSUE QUESTION FURTHER WITH USG.

7. THIS REPORT WAS COMPLETED AFTER ATTORNEY GENERAL
BELL'S DEPARTURE AND HAS NOT BEEN CLEARED BY HIM. ENDERS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MINISTERIAL VISITS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Sent Date: 18-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977OTTAWA05303
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770218-1172
Format: TEL
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770642/aaaabkya.tel
Line Count: 175
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 036c827a-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2104230
Secure: OPEN
Status: NATIVE
Subject: ATTORNEY GENERAL BELL VISIT
TAGS: OVIP, ETRD, EINV, CA, US, (BELL, GRIFFIN B)
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/036c827a-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009